

**TIVERTON PLANNING BOARD
MINUTES OF MEETING
November 5, 2013**

Chairman Stephen Hughes called the regular meeting of the Tiverton Planning Board to order at 7:00 P.M. at the Town Hall, 343 Highland Road. Members present were: Vice Chairman Stuart Hardy, Patricia Cote, Rosemary Eva, Carol Guimond, David Holmes, Peter Moniz and David Saurette. Board member Peter Corr was absent.

Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, the Director of Public Works Stephen Berlucchi, PE, Planning Board's engineering consultant Deirdre Paiva of Commonwealth Engineers and Consultants and the Planning Board's Solicitor David Petrarca, Esq. (substituting for Peter Ruggiero, Esq.).

1. Lynn & Norman Perrault – 99 Neck Road – Tiverton, RI 02878 – Environmental Review Statement – Plat 705 / Lot 107 – N/S Neck Road, West of Main Road – R-80 Zoning District – Nonquit Pond Watershed Protection Overlay District – Construction of a 32' x 16' Barn on Existing Piles (Replacing a Previous Structure) Owner Lynn Perrault was present on behalf of the petition. Ms. Guimond recused herself as an abutter and left the table. The Chairman noted that he had visited the site that day and that the new building would be replacing a previously existing barn. Ms. Eva noted that the plan submitted was not stamped or signed. Mr. Hardy asked if there would be a more intensive agricultural use of the property, noting that the narrative indicated that the proposed barn would house chickens also noting its proximity to Nonquit Pond. Ms. Perrault replied in the negative, stating that she intended to have six (6) to twelve (12) chickens for personal use. She noted that she also raises her own vegetables and that it was not a farm operation. Ms. Eva stated that there should be a reference to the recorded plan for the property. She noted that the recorded plan did not show any buildings or sheds. Mr. Holmes inquired about the location of the new structure, which was pointed out by Ms. Perrault.

Ms. Eva made a motion to make a positive recommendation to the Building Official, Gareth Eames. Mr. Hardy seconded the motion. The motion passed 7-0. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

Ms. Guimond returned to the table.

2. Leon J. Sylvia – 428 South Lake Road – Tiverton, RI 02878 - Minor Subdivision (No Road Required) – Final Plan Review – Plat 105 / Lot 108 – E/S Fish Road, North of Eagleville Road – Industrial (I) Zoning District – Two (2) Lot Subdivision (Time Clock = 45 Days) Leon J. Sylvia and engineer / surveyor Donald Medeiros of Able Engineering were present on behalf of the petition. Mr. Medeiros stated that he had addressed the comments from the Preliminary Plan review. A foundation had been constructed on proposed Lot 1, with an as-built location depicted on the plan. Typographical errors had been corrected.

A discussion ensued regarding the list of abutters. Ms. Eva stated that in the past the listing on the plan included the mailing addresses of abutters. Ms. Michaud told the Board that she had interpreted the checklist requirement as abutters' name only on the plans, but that the Board could determine otherwise. Mr. Medeiros stated that a map had been added to provide reference for the Plat and Lot numbers of the abutters. The Planning Board members were polled for their preference, with a consensus that the plan was acceptable as presented with regard to abutters.

Mr. Holmes asked why the Subdivision Suitability paperwork made reference to Lot 1 and Lot 1A instead of Lot 1 and Lot 2. Mr. Medeiros replied that this was part of a previous subdivision that already had a Lot 2. He stated that he could change the numbering on the plan to Lot 1 and Lot 1A for consistency. The Chairman suggested that he should instead add a note referencing previous Subdivision Suitability Application #S33-144R. Ms. Eva suggested that a purpose statement should also be added with reference to the original subdivision.

Mr. Berlucchi inquired about the grade at the driveway intersection with Fish Road. He stated that the construction entrance and driveway plan should be more detailed. Mr. Sylvia noted that he would do what was needed to obtain a curb cut permit from Mr. Berlucchi. He noted that Lot 1 had received a level area that would be asphalted for access.

Mr. Hardy made a motion to approve the Final Plan with corrections as noted, with the corrections to be checked by the Administrative Officer prior to recording. Ms. Cote seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

3. Sandywoods Land Trust, LLC – c/o Stephen Ostiguy – Church Community Housing – 50 Washington Square – Newport, RI 02840 – Recommendation to Town Council – Acceptance of Improvements to Cornell Road – S/S Bulgarmarsh Road (Route 177), East of Quintal Drive, West of Roosevelt Ave. – R-60 Zoning District – Sandywoods Farm (Comprehensive Permit) Stephen Ostiguy and engineer William Smith of Civil Engineering Concepts were present on behalf of the petition. Mr. Ostiguy stated that Cornell Road was a Town road prior to the Sandywoods project, but that they had upgraded it to Town standards. He added that the work had been inspected by Commonwealth, with a letter submitted for the file. The Chairman noted that a letter recommending acceptance had also been received from Mr. Berlucchi (See file).

Ms. Eva asked how long the top coat of asphalt had been in place. Mr. Ostiguy replied that it had been there for two (2) years. Mr. Hardy stated that he visited the site and that the road looked good. The Chairman stated that he had also visited the site noting that there were no berms on the road and asked if this was done intentionally. Ms. Paiva replied that it was part of the design, which contained open channel swales. Mr. Moniz asked if the swales were performing satisfactorily. Mr. Berlucchi replied in the affirmative. Mr. Moniz asked if additional streetlights or a stop sign at Terre Verde Drive were needed. Mr. Smith replied that the road was built per the approved plans.

Ms. Eva asked how much roadway was proposed for acceptance. Mr. Smith replied that it would be approximately one thousand three hundred (1300) linear feet. Ms. Eva opined that the crosshatch on the plan was misleading, and that a clearer map should be presented to the Town Council which roads would be formally dedicated and which would be privately maintained. A brief discussion ensued regarding Roosevelt Avenue which was not on this agenda but was ready for acceptance.

Mr. Holmes made a motion to recommend the acceptance of the improved portion of Cornell Road and to add Roosevelt Avenue to the Planning Board's next agenda for consideration. Mr. Hardy seconded the motion. The motion passed 7-0-1. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Guimond, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion. Ms. Eva abstained, stating that she was not familiar enough with the project.

4. Harkins Stafford Pond, LLC – c/o Harkins Development – 1907 East Main Road – Portsmouth, RI 02871 – Sixteen (16) Lot Major Subdivision (Roads Required) – Rural Residential Development – Preliminary Plan – Re-Advertised and Re-Noticed – Plat 216 / Lot 106 (Former: Map 4-9 / Block 113 / Card 103) – N/S Bulgarmarsh Road, West of Stafford Road – S/S Stafford Pond – R-60 Zoning District – Stafford Pond Watershed Protection Overlay District – Stafford View Farm (Time Clock Started 3/27/2012) Continued from October 1, 2013 (Time Clock = 12/20/2013) – Permit Status: RIDEM Approved / RIDOT Conditionally Approved - * Additional Request: Permission to Clear Land Prior to Final Plan* Owner / applicant Christopher Harkins and engineer William Smith of Civil Engineering Concepts were present on behalf of the petition. Mr. Hughes noted that the final RIDOT (Rhode Island Department of Transportation) PAP (Physical Alteration Permit) approval was pending the finalization of the sight distance view easement. Mr. Smith stated that RIDOT wanted to be able to step in to maintain the view easement, if required. The primary responsibility would lie with the Homeowner's Association. Mr. Smith stated that the easement language was under review by RIDOT's real estate section and that the plan format had not been determined. Mr. Smith added that the Homeowner's Association would also maintain the detention basins.

A discussion ensued regarding Phase 1 (the westerly side of the site) and Phase 2 (the easterly side of the site). Ms. Michaud asked if the applicant was seeking permission to clear both phases prior to Final Plan Approval. Mr. Smith replied that only Phase 1 would be cleared at this time. The Chairman asked if Commonwealth would be inspecting.

Mr. Saurette asked Ms. Paiva to address her review letter. Ms. Paiva reviewed her letter, dated October 29, 2013 regarding clearing, grubbing and stockpile areas. Mr. Berlucchi asked if the cut zone would be flagged. Mr. Smith replied that flags would be hung every ten (10) feet and that flags would be hung around trees to be kept. Mr. Harkins added that he intended to cut trees and clear rocks on the house lots, but not grub on the lots. He stated that soil erosion and sediment control measures would be installed. Mr. Smith added that staging areas would be set up as needed. Ms. Paiva stated that she would inspect weekly, plus after storm events. Mr. Harkins asked for a cost estimate for inspections, noting that the cost of clearing and grubbing would total \$15,000 - \$18,000. He noted that Charlie Sanford would do the clearing. Discussion ensued regarding inspections. Ms. Paiva estimated that a \$5,000 escrow deposit would cover approximately one month of inspections.

A brief discussion ensued regarding conditional approvals. The October 1, 2013 letter from RIDOT (Robert Smith – see file) was reviewed. Mr. Hardy made a motion to grant Conditional Preliminary Plan Approval, with the conditions being:

- RIDOT acceptance of the easement language and issuance of a finalized PAP (Physical Alteration Permit);
- Receipt of funds for inspections in the amount of \$5,000, to be replenished as needed.

Mr. Holmes seconded the motion. The motion passed 6-1-1. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Guimond, Mr. Holmes and Mr. Saurette voted in favor of the motion. Mr. Moniz was opposed. Ms. Eva abstained, not having been on the Board for the entire application. Ms. Michaud noted that no inspections would be performed until the deposit was received and that no work could be done without inspections.

5. Campanelli Properties of Tiverton, Inc. – c/o Christopher Duhamel, PE, PLS – DiPrete Engineering – Two Stafford Court – Cranston, RI 02920 – Minor Amendment to Approved & Recorded Plan – Permission to Omit Elements of the Open Space Plan - Cottrell Farms Major Subdivision (Roads Required) – W/S Fish Road, South of Route 24 – Cottrell Road / Alexandra Circle Owner / applicant Ralph Campanelli was present on behalf of the petition. Mr. Campanelli stated that he was present to request the removal of the proposed gazebo and path to it from the approved Open Space Plan for the Cottrell Farm Major Subdivision. He stated that if constructed, the gazebo would require maintenance, which would be an unnecessary burden to the Homeowner's Association. He also opined that the location of the proposed gazebo, near the entrance to the subdivision, would not be conducive to use by anyone. He suggested that instead, the open space area should be kept as an open field with cutting as necessary. Mr. Hardy asked if the homeowner's had weighed in with their opinion. Mr. Campanelli replied in the negative, noting that he had not yet turned over the association to the homeowners.

After a brief discussion, Mr. Holmes made a motion to approve the amendment Open Space Plan to remove the proposed gazebo and path from the open space and instead leave the area as a field with periodic cutting. Ms. Cote seconded the motion. The motion passed 7-1. Mr. Hughes, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion. Mr. Hardy was opposed.

6. Town Planner & Administrative Officer

A. Administrative Officer's Report Ms. Michaud's report was distributed.

1. Ms. Michaud noted that a joint Special Meeting with the Town Council had been scheduled for November 19th and that Town Solicitor Andrew Teitz had requested to include a discussion on quarry licensing. The Board members agreed to add the topic to the agenda. They requested copies of the application form and any other pertinent information in advance of the meeting.

B. Town Planner Items

- 1. Challenge Grant Project: Joint Workshop November 19, 2013** The workshop date was confirmed.
- 2. Update: Stone Bridge Abutment Repairs** The Town Council had approved the 30% design at its meeting of October 28, 2013. A submission to the State (RIDOT) was being prepared.

C. Miscellaneous

- 1. Wind Energy Generation Facilities – Memo Sent to Town Administrator** Ms. Michaud stated that a response to her memo had not been received. (Note: Town Administrator James Goncalo retired on November 15, 2013.)

7. Tiverton Planning Board

A. Solicitor's Report Mr. Ruggiero was not present due to a death in the family. Mr. Petrarca noted that the Site Ready appeal was scheduled to be heard the next night (November 6th) by the Planning Board of Appeals (Zoning Board). He stated that there would be no substantive discussion, only scheduling for future meeting dates in January and February 2014. Mr. Petrarca noted that a memorandum had been filed by Site Ready through its attorney Eric Brainsky and that Mr. Ruggiero had filed a response.

B. Recommendation to Town Council: License Renewal – Countryview Estates Manufactured Home Elderly Community Development (MHECD). Ms. Eva noted that there was a guardrail missing from the end of Blackbird Street. There were no other issues noted. By consensus, it was agreed that a recommendation would be forwarded to the Town Council conditional upon the installation of a barrier at the end of Blackbird Street, as per the recorded plans.

C. Quarry Licenses – General Discussion This item was already discussed (see Item #6.A.1.)

D. Correspondence

- 1.** It was noted that there would be an upcoming training session sponsored by Grow Smart RI regarding design standards. Ms. Michaud agreed to circulate the email that had been received.

E. Miscellaneous

- 1. 2014 Meeting Calendar** Ms. Eva made a motion to approve the annual meeting calendar. Mr. Hardy seconded the motion. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion.

- 2.** Ms. Eva noted that she often does research in the Land Evidence Records; specifically the recorded plans and noted the importance of purpose statements. She noted that such statements should be required on all Administrative Subdivisions for recording and for reference in years to come rather than have to find other documentation.

F. Approval of Minutes:

September 3, 2013 These minutes were not ready.

October 1, 2013 These minutes were not ready.

G. Adjournment: Mr. Holmes made a motion to adjourn. The motion was seconded by Mr. Hardy. The motion passed unanimously. Mr. Hughes, Mr. Hardy, Ms. Cote, Ms. Eva, Ms. Guimond, Mr. Holmes, Mr. Moniz and Mr. Saurette voted in favor of the motion. The meeting adjourned at 9:25 P.M.

(Italicized words represent corrections made on the approved date.)

Submitted by: _____
Kate Michaud, Clerk

Approval Date: March 4, 2014